

GENERAL ORDINANCE AMENDING CHAPTER
113: "FOOD AND FOOD
ESTABLISHMENTS," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the City of Fort Wayne and the Allen
County Board of Public Health desire to license and inspect
food establishment fund raising promotions for perishable food
products in the local school systems;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 113 of the City of Fort
Wayne, Indiana, Code of Ordinances be amended as follows:

Section 113.01 of Chapter 113 of the City of Fort
Wayne, Indiana, Code of Ordinances be amended as follows:

Sec. 113.01 Definitions.

For the purposes of this chapter, the following
definitions shall apply unless the context clearly indicates
or requires a different meaning.

BOARD shall mean the Fort Wayne-Allen County Department
of Public Health of Fort Wayne, Allen County, Indiana.

COMMISSARY shall mean any food establishment, including,
but not limited to, any place in which food, beverages,
food or beverage ingredients, containers, or supplies are
kept, handled, prepared or stored for the purpose of
directly supplying food or beverage vending machines.

DANGEROUS COMMUNICABLE DISEASE shall include those diseases which epidemiological evidence indicates can be transmitted through food preparation.

DEPARTMENT shall mean the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or its employees.

FOOD shall include, but not necessarily be limited to, all raw, cooked or processed edible substances which may be used in whole or in part for human consumption, whether solid or liquid, packaged or unpackaged, confectionery, or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof or which become components thereof.

FOOD ESTABLISHMENT shall mean any "food service establishment", "temporary food service establishment", "mobile food service establishment", "seasonal food service establishment", "food market", "temporary fund raising food market", "temporary food market", "temporary farmer's food market", "mobile food market", "food or beverage vending machine", "food processing establishment", "commissary", or any other establishment where food intended for human consumption is manufactured, produced, stored, warehoused, prepared, handled, transported, sold, served or provided with or without charge; provided, however, that when the entire operation of a food establishment is receiving continuous inspection by an appropriate state or federal government agency, including the United State Department of Agriculture Consumer and Marketing Service or the Indiana State Board of Health, it shall not be included in the above definition, except that the Department shall be permitted to enter such food establishment to trace

spoiled or defective products that are suspected to be spoiled or defective when the same are discovered in any food establishment.

FOOD HANDLER shall include, but not necessarily be limited to, any person who may come into contact with food by sale, processing, preparation, packaging, serving, or who comes in contact with any utensil or equipment of any kind used in said process, or who is employed in a room or rooms in which food is being processed, prepared, packaged, served, or sold.

FOOD MARKET shall mean any food establishment, including, but not limited to, a grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionery, candy kitchen, nut store, retail bakery store, or any other food establishment, whether fixed or movable, where food, intended for human consumption off the premises, is manufactured, produced, stored, prepared, handled, sold or offered for sale at retail or wholesale. Provided, however, that the provisions of this ordinance shall not include meat or poultry slaughterhouses.

FOOD OR BEVERAGE VENDING MACHINE shall mean any self-service device offered for public use which, upon insertion of paper money, coins or tokens, or by other similar means, dispenses unit servings of food or beverage, either in bulk or in package.

FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared, packaged or manufactured for human consumption.

FOOD SERVICE ESTABLISHMENT shall mean any food establishment, including but not limited to, a restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment, snack bar, food counter, dining room, food catering, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment where food or drink is prepared, served or provided for human consumption with or without charge.

HEALTH COMMISSIONER shall mean the Director of Public Health of the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or his/her authorized representative.

IMMINENT HEALTH HAZARD shall mean any event, circumstance or situation which in the sole discretion of the Health Commissioner, or his/her authorized representative, presents a serious and present health risk to a person or the public.

MACHINE LOCATION shall include, but not limited to, any room, enclosure, space or area where one or more food or beverage vending machines are installed or operated.

MOBILE FOOD MARKET shall mean any food establishment capable of being readily moved from location to location where food, intended for human consumption outside of the facility, is stored, sold or offered for sale in prepackaged form, fresh or frozen, at retail or wholesale prices.

1 **MOBILE FOOD SERVICE ESTABLISHMENT** shall mean any food
2 establishment without a fixed location capable of being
3 readily moved intact from location to location by its
4 motorized power unit, or as a trailer, or as a peddled or
5 pushed carrier, or as a tote box.

6 **NEW PERMITTEE** shall be deemed to be any person, not
7 related by blood or marriage, who acquires, through an
8 asset purchase agreement, stock purchase agreement,
9 merger, consolidation or other similar method, more than
10 50% of the control of a prior permittee's business.

11
12 **OPERATE** and/or its derivatives shall mean the doing or
13 performing of practical work or involving the practical
14 application of principals or processes.

15
16 **PERMIT** shall mean a certificate and/or a permit number of
17 a size and style previously approved by the Health
18 Commissioner.

19
20 **PERMITTEE** shall include the person who is the owner of or
21 responsible for the operation of a food establishment
22 which shall include his/her/its authorized representative
23 and who shall be responsible for the acceptance of all
24 notices at the address listed on the application for any
25 permit issued hereunder.

26
27 **PERSON** shall include, but not be limited to, an
28 individual, a corporation, firm, partnership,
29 proprietorship, association, business organization,
30 municipality or any other group acting as a unit, as well
31 as an individual, trust or estate, or the agent or legal
32 representative thereof.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell fish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a PH level of four and six-tenths (4.6) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage.

SAFE TEMPERATURES as applied to potentially hazardous food shall mean food temperatures at 45 degrees F or below, and 140 degrees F or above, and frozen foods at 0 degrees F or below, provided, however, a tolerance of 5 degrees shall be permitted on frozen foods only.

SEASONAL FOOD SERVICE ESTABLISHMENT shall mean any food establishment in an enclosure, stall or other facility, operating at a fixed location on a seasonal basis, not to exceed six (6) consecutive calendar months, where food intended for human consumption is offered for sale at retail or wholesale prices.

TEMPORARY FARMER'S FOOD MARKET shall mean any food establishment in an enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location on a seasonal basis for one or more days and not to exceed six (6) consecutive calendar months, where only fresh fruits, vegetables, honey or cider intended for human consumption off the premises are offered for sale at retail or wholesale.

TEMPORARY FOOD MARKET shall mean any food establishment in any enclosure, stall or other facility whether fixed or mobile, operating at a fixed location for not more than fourteen consecutive days where food intended for human consumption off the premises is offered for sale at retail or wholesale prices.

TEMPORARY FOOD SERVICE ESTABLISHMENT shall mean any food establishment operating at one site or location for a period of time not in excess of fourteen (14) consecutive calendar days, in connection with a fair, carnival, circus, public exhibition, or any other gathering, whether or not the facility is fixed or movable.

TEMPORARY FUND RAISING FOOD MARKET shall mean any food establishment operating at a fixed location for not more than one (1) day per month where food intended for human consumption off the premises is offered for sale at retail or wholesale prices and a third party not-for-profit organization benefits financially as a result of that sale.

UTENSIL shall mean all containers or any equipment of any kind or nature, including, but not necessarily limited to any kitchenware, tableware, glassware, or cutlery, with which food may come into contact during storage, preparation, serving, or eating, or any and all apparatus, machinery or tools which may be used for the cleaning of said containers or equipment.

VENDING OPERATOR shall include, but not necessarily be limited to any person who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more food or beverage vending machines.

Section 113.21 of Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances shall be amended as follows:

Section 113.21 TERM

(E) The permit for a temporary fund raising food market shall be for a term of one (1) year, beginning on the date of original issuance, and renewable annually on or before the fifteenth (15th) day of the anniversary month.

Section 113.26 (A) of Chapter 113 of the City of Fort Wayne Code of Laws shall be amended as follows:

SECTION 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment. Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment are as follows:

(1)	1 through 5 employees	\$130.00
(2)	6 through 9 employees	175.00
(3)	10 through 40 employees	205.00
(4)	41 employees and over	230.00
(5)	Temporary food service establishments (for each 48 hours of operation)	20.00
(6)	Temporary food market (for each 48 hours of operation)	20.00
(7)	Temporary farmer's food market	30.00
(8)	Temporary Fund raising food market	30.00

Section 113.70 of Chapter 113 of the City of Fort Wayne Code of Laws be amended as follows:

SECTION 113.70. Frequency of Inspection.

Except as noted below, each food establishment for which a permit is required under the provisions of this Chapter shall be inspected at least once each six months, or more frequently if determined necessary by the Health Commissioner. A temporary Farmer's Food Market and Temporary Fund raising Food Market shall be inspected at least once each permit period.

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the
Committee on _____ (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____
M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
EDMONDS				✓
GIAQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: _____

10-24-95

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. B-25-95
on the 24th day of October, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy

Don J. Schmider

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 25th day of October, 1995,
at the hour of 11:00 o'clock P, M., E.S.T.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of October,
1995, at the hour of 1:00 o'clock P M., E.S.T.

Paul Helmke

PAUL HELMKE, MAYOR

BILL NO. G-95-09-12

Handwritten:
Held
until
Oct 17th

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXXXX} amending Chapter 113: "Food and Food Establishments," of the City of Fort Wayne Code of Ordinances

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<i>Cletus R. Edmonds</i>	_____	_____	_____
<i>Sandra Talapka</i>	_____	_____	_____
<i>Marki Stasz</i>	_____	_____	_____
<i>Bradbury</i>	_____	_____	_____
<i>OSL</i>	_____	_____	_____
<i>Cletus R. Edmonds</i>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: *10-24-95*

Sandra E. Kennedy
City Clerk

HELMKE, BEAMS, BOYER & WAGNER

COUNSELORS AT LAW

300 METRO BUILDING

HARRISON AT BERRY STREET

FORT WAYNE, INDIANA 46802-2216

TELEPHONE (219) 422-7422

FACSIMILE (219) 422-6764

WALTER P. HELMKE

R. DAVID BOYER

ROBERT A. WAGNER

J. TIMOTHY MCCAULAY

DANIEL J. BORGMANN

TRINA GLUSENKAMP GOULD

WALTER E. HELMKE
(1901-1976)

GLEN J. BEAMS
JOHN G. REIBER
OF COUNSEL

MEMO

TO: SANDRA KENNEDY
FROM: DAN BORGMANN
DATE: October 3, 1995
RE: Marketday Ordinance

I am asking you to remove the Marketday Ordinance from consideration from the October 3, 1995 City Council Meeting due to the unavailability of staff to make the presentation. I would respectfully request that this matter be rescheduled for October 17, 1995 or thereafter.

DJB



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL *9-95-09-12*
FROM: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL
DATE: SEPTEMBER 12, 1995
SUBJECT: REGULATION OF TEMPORARY FUND RAISING FOOD MARKETS

The Allen County Board of Health has requested the County and City to amend its Food Ordinance to regulate the sale of perishable food through food establishments to local schools for fund raising purposes.

Market Day is a fund raising promotion which sells perishable food products through local PTAs and PTOs. Currently fifty-five (55) schools in Allen County are participating in the Market Day operation with an expected annual revenue of \$3.3 million dollars. The problem occurs when the perishable food is not picked up at the designated time, which could then result in a health hazard.

An amendment to the ordinance would require: 1. An annual permit for each school location participating in this type of fund raising operation; and an annual inspection by the Board of Public Health of each school participating in such fund raising operation. Marketday representatives have met with the Board of Health to review the proposed ordinance amendments and are in agreement with the changes.

REDLINE COPY

BILL NO. G-95-09-12

GENERAL ORDINANCE NO. _____

GENERAL ORDINANCE AMENDING CHAPTER
113: "FOOD AND FOOD
ESTABLISHMENTS," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the City of Fort Wayne and the Allen
County Board of Public Health desire to license and inspect
food establishment fund raising promotions for perishable food
products in the local school systems;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 113 of the City of Fort
Wayne, Indiana, Code of Ordinances be amended as follows:

Section 113.01 of Chapter 113 of the City of Fort
Wayne, Indiana, Code of Ordinances be amended as follows:

Sec. 113.01 Definitions.

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definitions shall apply unless the context clearly indicates
or requires a different meaning.

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of Public Health of Fort Wayne, Allen County, Indiana.

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but not limited to, any place in which food, beverages,
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spoiled or defective products that are suspected to be spoiled or defective when the same are discovered in any food establishment.

FOOD HANDLER shall include, but not necessarily be limited to, any person who may come into contact with food by sale, processing, preparation, packaging, serving, or who comes in contact with any utensil or equipment of any kind used in said process, or who is employed in a room or rooms in which food is being processed, prepared, packaged, served, or sold.

FOOD MARKET shall mean any food establishment, including, but not limited to, a grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionery, candy kitchen, nut store, retail bakery store, or any other food establishment, whether fixed or movable, where food, intended for human consumption off the premises, is manufactured, produced, stored, prepared, handled, sold or offered for sale at retail or wholesale. Provided, however, that the provisions of this ordinance shall not include meat or poultry slaughterhouses.

FOOD OR BEVERAGE VENDING MACHINE shall mean any self-service device offered for public use which, upon insertion of paper money, coins or tokens, or by other similar means, dispenses unit servings of food or beverage, either in bulk or in package.

FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared, packaged or manufactured for human consumption.

FOOD SERVICE ESTABLISHMENT shall mean any food establishment, including but not limited to, a restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment, snack bar, food counter, dining room, food catering, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment where food or drink is prepared, served or provided for human consumption with or without charge.

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IMMINENT HEALTH HAZARD shall mean any event, circumstance or situation which in the sole discretion of the Health Commissioner, or his/her authorized representative, presents a serious and present health risk to a person or the public.

MACHINE LOCATION shall include, but not limited to, any room, enclosure, space or area where one or more food or beverage vending machines are installed or operated.

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MOBILE FOOD SERVICE ESTABLISHMENT shall mean any food establishment without a fixed location capable of being readily moved intact from location to location by its motorized power unit, or as a trailer, or as a peddled or pushed carrier, or as a tote box.

NEW PERMITTEE shall be deemed to be any person, not related by blood or marriage, who acquires, through an asset purchase agreement, stock purchase agreement, merger, consolidation or other similar method, more than 50% of the control of a prior permittee's business.

OPERATE and/or its derivatives shall mean the doing or performing of practical work or involving the practical application of principals or processes.

PERMIT shall mean a certificate and/or a permit number of a size and style previously approved by the Health Commissioner.

PERMITTEE shall include the person who is the owner of or responsible for the operation of a food establishment which shall include his/her/its authorized representative and who shall be responsible for the acceptance of all notices at the address listed on the application for any permit issued hereunder.

PERSON shall include, but not be limited to, an individual, a corporation, firm, partnership, proprietorship, association, business organization, municipality or any other group acting as a unit, as well as an individual, trust or estate, or the agent or legal representative thereof.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell fish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a PH level of four and six-tenths (4.6) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage.

SAFE TEMPERATURES as applied to potentially hazardous food shall mean food temperatures at 45 degrees F or below, and 140 degrees F or above, and frozen foods at 0 degrees F or below, provided, however, a tolerance of 5 degrees shall be permitted on frozen foods only.

SEASONAL FOOD SERVICE ESTABLISHMENT shall mean any food establishment in an enclosure, stall or other facility, operating at a fixed location on a seasonal basis, not to exceed six (6) consecutive calendar months, where food intended for human consumption is offered for sale at retail or wholesale prices.

TEMPORARY FARMER'S FOOD MARKET shall mean any food establishment in an enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location on a seasonal basis for one or more days and not to exceed six (6) consecutive calendar months, where only fresh fruits, vegetables, honey or cider intended for human consumption off the premises are offered for sale at retail or wholesale.

TEMPORARY FOOD MARKET shall mean any food establishment in any enclosure, stall or other facility whether fixed or mobile, operating at a fixed location for not more than fourteen consecutive days where food intended for human consumption off the premises is offered for sale at retail or wholesale prices.

TEMPORARY FOOD SERVICE ESTABLISHMENT shall mean any food establishment operating at one site or location for a period of time not in excess of fourteen (14) consecutive calendar days, in connection with a fair, carnival, circus, public exhibition, or any other gathering, whether or not the facility is fixed or movable.

TEMPORARY FUND RAISING FOOD MARKET shall mean any food establishment operating at a fixed location for not more than one (1) day per month where food intended for human consumption off the premises is offered for sale at retail or wholesale prices and a third party not-for-profit organization benefits financially as a result of that sale.

UTENSIL shall mean all containers or any equipment of any kind or nature, including, but not necessarily limited to any kitchenware, tableware, glassware, or cutlery, with which food may come into contact during storage, preparation, serving, or eating, or any and all apparatus, machinery or tools which may be used for the cleaning of said containers or equipment.

VENDING OPERATOR shall include, but not necessarily be limited to any person who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more food or beverage vending machines.

Section 113.21 of Chapter 113 of the City of Fort Wayne,
Indiana, Code of Ordinances shall be amended as follows:

Section 113.21 TERM

(E) The permit for a temporary fund raising food market shall be for a term of one (1) year, beginning on the date of original issuance, and renewable annually on or before the fifteenth (15th) day of the anniversary month.

Section 113.26 (A) of Chapter 113 of the City of Fort Wayne Code of Laws shall be amended as follows:

SECTION 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment. Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment are as follows:

(1) 1 through 5 employees	\$130.00
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<u>(8) Temporary Fund raising food market</u>	<u>30.00</u>

Section 113.70 of Chapter 113 of the City of Fort Wayne Code of Laws be amended as follows:

SECTION 113.70. Frequency of Inspection.

Except as noted below, each food establishment for which a permit is required under the provisions of this Chapter shall be inspected at least once each six months, or more frequently if determined necessary by the Health Commissioner. A temporary Farmer's Food Market and Temporary Fund raising Food Market shall be inspected at least once each permit period.

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENT

SYNOPSIS OF ORDINANCE Food establishments selling perishable foods to third party not-for-profit organizations for fund raising purposes will be required to obtain a permit. Locations participating will be inspected by the Board of Public Health on a yearly basis.

EFFECT OF PASSAGE Temporary Fund Raising Food Markets will be regulated and inspected.

EFFECT OF NON-PASSAGE Temporary Fund Raising Food Markets will remain unregulated.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _

ASSIGNED TO COMMITTEE (PRESIDENT) _____



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

October 2⁷~~8~~, 1995

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of October 31
and November 7, 1995, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-95-09-12
General Ordinance No. G-25-95
Food and Food Establishments

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
Encl: 1

LEGAL NOTICE

Notice is hereby given that on the 24th day of
October, 19 95, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-95-09-12 General
Ordinance No. G-25-95 to-wit:

BILL NO. G-95-09-12

GENERAL ORDINANCE NO. G-25-95

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DEPARTMENT shall mean the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or its employees.

FOOD shall include, but not necessarily be limited to, all raw, cooked or processed edible substances which may be used in whole or in part for human consumption, whether solid or liquid, packaged or unpackaged, confectionery, or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof or which become components thereof.

FOOD ESTABLISHMENT shall mean any "food service establishment", "temporary food service establishment", "mobile food service establishment", "seasonal food service establishment", "food market", "temporary fund raising food market," "temporary food market", "temporary farmer's food market", "mobile food market", "food or beverage vending machine", "food processing establishment", "commissary", or any other establishment where food intended for human consumption is manufactured, produced, stored, warehoused, prepared, handled, transported, sold, served or provided with or without charge; provided, however, that when the entire operation of a food establishment is receiving continuous inspection by an appropriate state or federal government agency, including the United State Department of Agriculture Consumer and Marketing Service or the Indiana State Board of Health, it shall not be included in the above definition, except that the Department shall be permitted to enter such food establishment to trace

spoiled or defective products that are suspected to be spoiled or defective when the same are discovered in any food establishment.

FOOD HANDLER shall include, but not necessarily be limited to, any person who may come into contact with food by sale, processing, preparation, packaging, serving, or who comes in contact with any utensil or equipment of any kind used in said process, or who is employed in a room or rooms in which food is being processed, prepared, packaged, served, or sold.

FOOD MARKET shall mean any food establishment, including, but not limited to, a grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionery, candy kitchen, nut store, retail bakery store, or any other food establishment, whether fixed or movable, where food, intended for human consumption off the premises, is manufactured, produced, stored, prepared, handled, sold or offered for sale at retail or wholesale. Provided, however, that the provisions of this ordinance shall not include meat or poultry slaughterhouses.

FOOD OR BEVERAGE VENDING MACHINE shall mean any self-service device offered for public use which, upon insertion of paper money, coins or tokens, or by other similar means, dispenses unit servings of food or beverage, either in bulk or in package.

FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared, packaged or manufactured for human consumption.

FOOD SERVICE ESTABLISHMENT shall mean any food establishment, including but not limited to, a restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment, snack bar, food counter, dining room, food catering, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment where food or drink is prepared, served or provided for human consumption with or without charge.

HEALTH COMMISSIONER shall mean the Director of Public Health of the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or his/her authorized representative.

IMMINENT HEALTH HAZARD shall mean any event, circumstance or situation which in the sole discretion of the Health Commissioner, or his/her authorized representative, presents a serious and present health risk to a person or the public.

MACHINE LOCATION shall include, but not limited to, any room, enclosure, space or area where one or more food or beverage vending machines are installed or operated.

MOBILE FOOD MARKET shall mean any food establishment capable of being readily moved from location to location where food, intended for human consumption outside of the facility, is stored, sold or offered for sale in prepackaged form, fresh or frozen, at retail or wholesale prices.

MOBILE FOOD SERVICE ESTABLISHMENT shall mean any food establishment without a fixed location capable of being readily moved intact from location to location by its motorized power unit, or as a trailer, or as a peddled or pushed carrier, or as a tote box.

NEW PERMITTEE shall be deemed to be any person, not related by blood or marriage, who acquires, through an asset purchase agreement, stock purchase agreement, merger, consolidation or other similar method, more than 50% of the control of a prior permittee's business.

OPERATE and/or its derivatives shall mean the doing or performing of practical work or involving the practical application of principals or processes.

PERMIT shall mean a certificate and/or a permit number of a size and style previously approved by the Health Commissioner.

PERMITTEE shall include the person who is the owner of or responsible for the operation of a food establishment which shall include his/her/its authorized representative and who shall be responsible for the acceptance of all notices at the address listed on the application for any permit issued hereunder.

PERSON shall include, but not be limited to, an individual, a corporation, firm, partnership, proprietorship, association, business organization, municipality or any other group acting as a unit, as well as an individual, trust or estate, or the agent or legal representative thereof.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell fish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a PH level of four and six-tenths (4.6) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage.

SAFE TEMPERATURES as applied to potentially hazardous food shall mean food temperatures at 45 degrees F or below, and 140 degrees F or above, and frozen foods at 0 degrees F or below, provided, however, a tolerance of 5 degrees shall be permitted on frozen foods only.

SEASONAL FOOD SERVICE ESTABLISHMENT shall mean any food establishment in an enclosure, stall or other facility, operating at a fixed location on a seasonal basis, not to exceed six (6) consecutive calendar months, where food intended for human consumption is offered for sale at retail or wholesale prices.

TEMPORARY FARMER'S FOOD MARKET shall mean any food establishment in an enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location on a seasonal basis for one or more days and not to exceed six (6) consecutive calendar months, where only fresh fruits, vegetables, honey or cider intended for human consumption off the premises are offered for sale at retail or wholesale.

TEMPORARY FOOD MARKET shall mean any food establishment in any enclosure, stall or other facility whether fixed or mobile, operating at a fixed location for not more than fourteen consecutive days where food intended for human consumption off the premises is offered for sale at retail or wholesale prices.

TEMPORARY FOOD SERVICE ESTABLISHMENT shall mean any food establishment operating at one site or location for a period of time not in excess of fourteen (14) consecutive calendar days, in connection with a fair, carnival, circus, public exhibition, or any other gathering, whether or not the facility is fixed or movable.

TEMPORARY FUND RAISING FOOD MARKET shall mean any food establishment operating at a fixed location for not more than one (1) day per month where food intended for human consumption off the premises is offered for sale at retail or wholesale prices and a third party not-for-profit organization benefits financially as a result of that sale.

UTENSIL shall mean all containers or any equipment of any kind or nature, including, but not necessarily limited to any kitchenware, tableware, glassware, or cutlery, with which food may come into contact during storage, preparation, serving, or eating, or any and all apparatus, machinery or tools which may be used for the cleaning of said containers or equipment.

VENDING OPERATOR shall include, but not necessarily be limited to any person who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more food or beverage vending machines.

Section 113.21 of Chapter 113 of the City of Fort Wayne,
Indiana, Code of Ordinances shall be amended as follows:

Section 113.21 TERM

(E) The permit for a temporary fund raising food market shall be for a term of one (1) year, beginning on the date of original issuance, and renewable annually on or before the fifteenth (15th) day of the anniversary month.

Section 113.26 (A) of Chapter 113 of the City of Fort Wayne Code of Laws shall be amended as follows:

SECTION 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment. Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment are as follows:

(1)	1 through 5 employees	\$130.00
(2)	6 through 9 employees	175.00
(3)	10 through 40 employees	205.00
(4)	41 employees and over	230.00
(5)	Temporary food service establishments (for each 48 hours of operation)	20.00
(6)	Temporary food market (for each 48 hours of operation)	20.00
(7)	Temporary farmer's food market	30.00
(8)	Temporary Fund raising food market	30.00

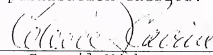
Section 113.70 of Chapter 113 of the City of Fort Wayne Code of Laws be amended as follows:

SECTION 113.70. Frequency of Inspection.

Except as noted below, each food establishment for which a permit is required under the provisions of this Chapter shall be inspected at least once each six months, or more frequently if determined necessary by the Health Commissioner. A temporary Farmer's Food Market and Temporary Fund raising Food Market shall be inspected at least once each permit period.

SECTION 2. That this Ordinance shall be in full force and
1 effect from and after its passage, and any and all necessary
2 approval by the Mayor and due legal publication thereof.

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Council Member
Rebecca J. Ravine

Read the third time in full and on motion by Ravine, and duly adopted,
placed on its passage. PASSED by the following vote:

AYES: Eight
Bradbury, GiaQuinta, Henry, Long, Lunsey,
Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: One
Edmonds

DATED: 10-24-95 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as General Ordinance No. G-25-95, on the 24th day of October, 1995

ATTEST: SEAL

Sandra E. Kennedy Don J. Schmidt
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
25th day of October, 1995, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of October, 1995, at the hour of
1:00 o'clock P.M., E.S.T.

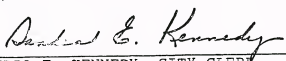
Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of

General Ordinance No. G-25-95,
passed by the Common Council on the 24th day of
October, 19 95, and that said Ordinance was
duly signed and approved by the Mayor on the 26th day of
October, 19 95, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 26th day of October, 19 95.

SEAL


SANDRA E. KENNEDY, CITY CLERK

LEGAL NOTICE

Notice is hereby given that on the 24th October, 1995, the Common Council of the City of Fort Wayne, Indiana, in a regular Session did pass the following Bill No. G-95-06-12 General Ordinance No. G-25-95 as to-wit:

BILL NO. G-95-06-12

GENERAL ORDINANCE NO. G-25-95

GENERAL ORDINANCE AMENDING CHAPTER 113: "FOOD ESTABLISHMENTS" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the City of Fort Wayne and the Allen County Board of Public Health desire to license and inspect food establishment fund raising promotions for perishable food products in the local school systems;

NOW, THEREFORE, BE IT OBTAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Section 113.01 of Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sec. 113.01 Definitions.

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning:

BOARD shall mean the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana.

COMMISSARY shall mean any food establishment, including, but not limited to, a place in which food, beverages, food or beverage ingredients, containers, or supplies are kept, handled, prepared or stored for the purpose of direct supplying food or beverage vending machines.

DANGEROUS COMMUNICABLE DISEASE shall include those diseases which epidemiological evidence indicates can be transmitted through food preparation.

DEPARTMENT shall mean the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or its employees.

FOOD shall include, but not necessarily be limited to, all raw, cooked or processed edible substances which may be used in whole or in part for human consumption, whether solid or liquid, packaged or unpackaged, confectionery, or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof or which become components thereof.

FOOD ESTABLISHMENT shall mean any food service establishment, temporary food service establishment, mobile food service establishment, seasonal food service establishment, food market, temporary fund raising food market, temporary food market, temporary farmer's food market, mobile food market, food or beverage vending machine, food processing establishment, commissary, or any other establishment where food intended for human consumption is manufactured, prepared, handled, warehoused, prepared, handled, transported, sold, served or provided with or without charge provided, however, that when the entire operation of a food establishment is receiving continuous inspection by an appropriate state or federal government agency, including the United States Department of Agriculture Consumer and Marketing Service or the Indiana State Board of Health, it shall not be included in the above definition, except that the Department shall be permitted to trace such food establishment to trace spoiled or defective products that are suspected to be spoiled or defective when the same are discovered in any food establishment.

FOOD HANDLER shall include, but not necessarily be limited to, any person who may come into contact with food by sale, processing, preparation, packaging, serving, or who comes in contact with any utensil or equipment of any kind used in said process, or who is employed in a room or rooms in which food is being processed, prepared, packaged, served, or sold.

FOOD MARKET shall mean any food establishment, including, but not limited to, a grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionery, candy kitchen, retail bakery store, or any other food establishment, whether fixed or mobile, where food, intended for human consumption off the premises, is manufactured, produced, stored, prepared, handled, sold or offered for sale at retail or wholesale. Provided, however, that the provisions of this ordinance shall not include meat or poultry slaughterhouses.

FOOD OR BEVERAGE VENDING MACHINE shall mean any self-service device offered for public use which, upon insertion of paper money, coins or tokens, or by other similar means, dispenses unit servings of food or beverage, either in bulk or in packages.

FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared, packaged or manufactured for human consumption.

FOOD SERVICE ESTABLISHMENT shall mean any food establishment, including, but not limited to, restaurant, coffee shop, cafeteria, short-order cafe, concessionaire, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drive-in establishment, snack bar, food counter, dining room, food catering, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment where food or drink is prepared, served or provided for human consumption with or without charge.

HEALTH COMMISSIONER shall mean the Director of Public Health of the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or his/her authorized representative.

IMMINENT HEALTH HAZARD shall mean any event, circumstance or situation which in the sole discretion of the Health Commissioner, or his/her authorized representative, presents a serious and present health risk to a person or the public.

MACHINE LOCATION shall include, but not limited to, any room, enclosure, space or area where one or more food or beverage vending machines are installed or operated.

MOBILE FOOD MARKET shall mean any food establishment capable of being readily moved from location to location outside of the facility, is stored, sold or offered for sale in pre-packaged form, fresh or frozen, at retail or wholesale prices.

MOBILE FOOD SERVICE ESTABLISHMENT shall mean any food establishment without a fixed location capable of being readily moved from one location to location by its motorized power unit, or as a trailer, or as a peddler or pushed carrier, or as a tote box.

NEW PERMITTEE shall be deemed to be any person, not related by blood or marriage, who acquires, through an asset purchase agreement, stock purchase agreement, merger, consolidation or other similar method, more than 50% of the control of a prior permittee's business.

OPERATE and/or its derivatives shall mean the doing or performing of practical work or involve the practical application of principles or processes.

PERMIT shall mean a certificate and/or a permit number of a size and style previously approved by the Health Commissioner.

PERMITTEE shall include the person who is the owner of or responsible for the operation of a food establishment which shall include his/her authorized representative and who shall be responsible for the acceptance of all notices at the address listed on the application for any permit issued hereunder.

PERSON shall include, but not be limited to, an individual, a corporation, firm, partnership, proprietorship, association, business organization, municipality or any other group acting as a unit, as well as an individual, trust or estate, or the agent or legal representative thereof.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food that consist in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell, edible crustaceans, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of four and six-tenths (4.6) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage.

SAFE TEMPERATURES as applied to potentially hazardous food shall mean food temperatures at 45 degrees F or below, and 140 degrees F or above, and frozen foods at 0 degrees F or below, provided, however, a tolerance of 5 degrees shall be permitted on frozen foods only.

SEASONAL FOOD SERVICE ESTABLISHMENT shall mean any food establishment in an enclosure, stall or other facility, operating at a fixed location on a seasonal basis, not to exceed six (6) consecutive calendar months, where food intended for human consumption is offered for sale at retail or wholesale prices.

TEMPORARY FARMER'S FOOD MARKET shall mean any food establishment in an enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location on a seasonal basis for one or more months, not to exceed six (6) consecutive calendar months, where only fresh fruits, vegetables, non-dairy or other intended for human consumption off the premises are offered for sale at retail or wholesale.

TEMPORARY FOOD MARKET shall mean any food establishment in an enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location for not more than fourteen consecutive days where food intended for human consumption off the premises is offered for sale at retail or wholesale prices.

TEMPORARY FOOD SERVICE ESTABLISHMENT shall mean any food establishment operating at one site or location for a period of time not to exceed fourteen (14) consecutive calendar days, in connection with a fair, carnival, circus, public exhibition, or any other gathering, whether or not that facility is fixed or movable.

TEMPORARY FUND RAISING FOOD MARKET shall mean any food establishment operating at a fixed location for not more than one (1) day per month where food intended for human consumption off the premises is offered for sale at retail or wholesale prices and a third party non-profit organization benefits financially as a result of that sale.

UTENSIL shall mean all containers or any equipment of any kind and nature, including, but not necessarily limited to, any kitchenware, tableware, glassware, or cutlery, with which food may come into contact during storage, preparation, serving, or eating, and all apparatus, machinery or tools which may be used for the cleaning of said containers or equipment.

VENDING OPERATOR shall include, but not necessarily be limited to any person who by contract, agency or ownership, takes responsibility for purchasing, installing, servicing, operating, or maintaining one or more food or beverage vending machines.

Section 113.21 of Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances shall be amended as follows:

Section 113.21 TERM

(E) The permit for a temporary fund raising food market shall be for a term of one (1) year, beginning on the date of original issuance, and renewable annually on or before the fifteenth (15th) day of the anniversary month.

Section 113.25 (A) of Chapter 113 of the City of Fort Wayne Code of Laws shall be amended as follows:

SECTION 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary fund raising food market, and food processing establishment. Permit fees for food service establishment, temporary food service establishments, temporary food market, temporary fund raising food market, and food processing establishment are as follows:

(1) Through 5 employees	\$130.00
(2) 6 through 9 employees	175.00
(3) 10 through 40 employees	205.00
(4) 41 employees and over	230.00
(5) Temporary food service establishments (for each 48 hours of operation)	20.00
(6) Temporary food market (for each 48 hours of operation)	20.00
(7) Temporary farmer's food market	30.00
(8) Temporary fund raising food market	30.00

Section 113.70 of Chapter 113 of the City of Fort Wayne Code of Laws be amended as follows:

SECTION 113.70. Frequency of inspection. Except as noted below, each food establishment for which a permit is required under the provisions of this Chapter shall be inspected at least once each six months, or more frequently if determined necessary by the Health Commissioner. A temporary Farmer's Food Market and Temporary Fund Raising Food Market shall be inspected at least once each permit period.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

Rebecca J. Revine
Council Member
Read the third time in full and on motion by Revine, and duly adopted, placed on its passage. PASSED by the following vote:
AYES: Eight
Breduin, Biala, Quilte, Henry, Long, Lunsley, Revine, Schmidt, Talano
NAYS: None
ABSENT: None
ASSENT: One
Edmons

DATED: 10-24-95 Sandra E. Kennedy City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-25-95, on the 24th day of October, 1995

ATTEST:
Don J. Schmidt
City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 1995, at the hour of 11:00 o'clock A.M.E.S.T.

Sandra E. Kennedy City Clerk

Approved and signed by me this 26th day of October, 1995, at the hour of 1:00 o'clock P.M.E.S.T.

Paul Heimke Mayor

I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-25-95 passed by the Common Council of the City of Fort Wayne, Indiana, on the 24th day of October, 1995, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of October, 1995, and now remains on file and on record in my office.

WITNESSEY my hand and the official seal of the City of Fort Wayne, Indiana, this 26th day of October, 1995.

SANDRA E. KENNEDY, CITY CLERK
10-31-11-7 Part 2 of 2 2752

General Form No. 99P (Revised 1987)

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

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inty aforesaid, and that the printed matter

ch was duly published in said paper for

of publication being as follows:

-31-11-7-1995

7th day of NOV, 19 95.

Notary Public

SCHNEIDER
STATE OF INDIANA
N COUNTY
ON EXP JUNE 14, 1997

FW COMMON COUNCIL

(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

392 lines, 1 columns wide equals 392 equivalent lines
 at .425 cents per line

\$ 194.04

Additional charge for notices containing rule or tabular work
 (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 195.04

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: NOV 7, 19 95

Title: Clerk

PUBLISHER'S AFFIDAVIT

MC
CAFET
12 col

SOUTHTOWN MALL & (Allen County) ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

10-31/11-7-1995

Subscribed and sworn to before me this 7th day of NOV, 19 95.

Notary Public

Take at
It's Xerox

My commission expires: NOTARY PUBLIC STATE OF INDIANA
 ALLEN COUNTY
 MY COMMISSION EXP JUNE 14, 1997

locked car (by means unknown) —
 all the while not knowing whether
 Simpson had an ironclad alibi for
 the time of the murders.

"The other conspirators would
 have had to be equally adept.
 Someone would have had to take

FW COMMON COUNCIL
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

392 lines, 1 columns wide equals 392 equivalent lines
at .495 cents per line

\$ 194.04

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

LEGAL NOTICE

Notice is hereby given that on the 24th October, 1995, the Common Council of the City of Fort Wayne, Indiana, in a regular Session did pass the following Bill No. G-25-95-12 General Ordinance No. G-25-95-12.

BILL NO. G-25-95-12

GENERAL ORDINANCE NO. G-25-95

GENERAL ORDINANCE AMENDING CHAPTER 113 "FOOD ESTABLISHMENTS" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

"WHEREAS, the City of Fort Wayne and the Allen County Board of Public Health desire to revise and amend food establishment and raising food products for sale and food products in the local school systems;

NOW, THEREFORE, BE IT ORDERED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Section 113.01 of Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sec. 113.01 Definitions.

For the purposes of this chapter, the following definitions shall apply unless stated clearly otherwise or requires a different meaning:

BOARD shall mean the Fort Wayne-Allen County Department of Public Health for Fort Wayne, Allen County, Indiana.

COMMISSARY shall mean any food establishment, including, but not limited to, any place in which food, beverages, food or beverage ingredients, containers, or supplies are kept, handled, prepared or stored for the purpose of directly supplying food or beverage vending machines.

DANGEROUSLY COMMUNICABLE DISEASE shall include those diseases which epidemiologic evidence indicates can be transmitted through food preparation.

DEPARTMENT shall mean the Fort Wayne-Allen County Department of Public Health of Fort Wayne, Allen County, Indiana, and/or its employees.

FOOD shall include, but not necessarily be limited to, all raw, cooked or processed animal substances which may be used in whole or in part for human consumption, whether sold or liquid, packaged or unpackaged, containerized or not, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof or which become components thereof.

FOOD ESTABLISHMENT shall mean any food service establishment, temporary food service establishment, mobile food service establishment, seasonal food service establishment, food market, temporary food raising food products for sale and food products for sale, temporary farmer's food market, mobile food processing establishment, commissary, or any other establishment where food intended for human consumption is manufactured, produced, stored, warehoused, prepared, sold, transported, served or provided with or without charge; provided, however, that when the entire operation of a food establishment is under the continuous inspection by an appropriate state or federal government agency, the operation of the United States Department of Agriculture and Marketing Service or the Indiana State Board of Health, it shall not be included in the above definition, except that the Department shall have the authority to order such food establishments to stop selling or distributing products that are suspected to be spoiled or defective when the same are discovered in any food establishment.

FOOD HANDLER shall include, but not necessarily be limited to, any person who may come into contact with food by food processing, preparation, packaging, serving, or who comes in contact with

any utensil or equipment of any kind used in food service or who is employed in a room or room in which food is being processed, prepared, packaged, served, or sold.

FOOD MARKET shall mean any food establishment, including, but not limited to, a grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, deli, delicatessen, confectionery, candy kitchen, nut store, retail bakery store, or any other food establishment, whether fixed or movable, where food is intended for human consumption off the premises, is manufactured, produced, stored, prepared, handled, sold or offered for sale at retail or wholesale. Provided, however, that the provisions of this ordinance shall not include mobile or poultry slaughterhouses.

FOOD OR BEVERAGE VENDING MACHINE shall mean any self-service device offered for public use which, upon insertion of paper money, coins or tokens, or by other similar means, dispenses unit servings of food or beverage, either in bulk or in packages.

FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is produced, prepared, packaged, or manufactured for human consumption.

FOOD SERVICE ESTABLISHMENT shall mean any food establishment, including but not limited to, a restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich shops, soda fountain, commissary, drive-in restaurant, drive establishment, snack bar, food court, dining room, food catering, banquet hall, food service, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment where food or drink is prepared, served or provided for human consumption with or without charge.

HEALTH COMMISSIONER shall mean the Director of Public Health of the Fort Wayne-Allen County Department of Public Health for Fort Wayne, Allen County, Indiana, and/or his/her authorized representative.

IMMINENT HEALTH HAZARD shall mean any event, circumstance or situation which in the sole discretion of the Health Commissioner, or his/her authorized representative, presents a serious and present health risk to a person or the public.

MACHINE LOCATION shall include, but not limited to, any room, enclosure, space or area where one or more food or beverage vending machines are installed.

MOBILE FOOD MARKET shall mean any food establishment capable of being readily moved from location to location where food, intended for human consumption outside of the facility, is stored, sold or offered for sale in prepackaged form, fresh or frozen, at retail or wholesale prices.

MOBILE FOOD SERVICE ESTABLISHMENT shall mean any food establishment without a fixed location, which is used to transport food from one location to location by its motorized power, unit, or as a trailer, or as a pedaled or pushcart carrier, or as a table.

NEW PERMITTEE shall be deemed to be any person, not related by blood or marriage, who acquires, at least an equal purchase agreement, stock purchase agreement, merger, consolidation or other similar method, more than 50% of the control of a prior permittee's business.

OPERATE and/or its derivative shall mean the doing or performing of practical work or involving the practical application of principle or processes.

PERMIT shall mean a certificate and/or a permit number of a size and style previously approved by the Health Commissioner.

PERMITTEE shall include the person who is the owner or responsible for the operation of a food establishment which shall include his/her authorized representative and who shall be responsible for the acceptance of all notices at the address listed on the application for any permit issued hereunder.

PERSON shall include, but not be limited to, an individual, a corporation, firm, partnership, proprietor-

ship, association, business organization, municipality or any other group acting as a unit, as well as an individual, trust or trustee, or the agent or legal representative thereof.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell, fish, edible crustaceans, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of four and six-tenths (4.6) or below or a water activity (Aw) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage.

SAFE TEMPERATURES as applied to potentially hazardous food shall mean food temperatures at 45 degrees F or below, and 140 degrees F or above, and frozen foods at 0 degrees F or below; provided, however, a tolerance of 5 degrees shall be permitted on frozen foods only.

SEASONAL FOOD SERVICE ESTABLISHMENT shall mean any food establishment in an enclosure, stall or other facility, operating at a fixed location on a seasonal basis, not to exceed six (6) consecutive calendar months, where food intended for human consumption is offered for sale at retail or wholesale prices.

TEMPORARY FARMER'S FOOD MARKET shall mean any food establishment in an enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location on a seasonal basis for one or more days, where only fresh fruits, vegetables, honey or candy are sold at retail or wholesale prices. The premises are offered for sale at retail or wholesale prices.

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TEMPORARY FOOD MARKET shall mean any food establishment in any enclosure, stall or other facility, whether fixed or mobile, operating at a fixed location for not more than one (1) day per month, where food intended for human consumption of the premises is offered for sale at retail or wholesale prices, whether fixed or mobile.

TEMPORARY FOOD SERVICE ESTABLISHMENT shall mean any food establishment operating at one site or location for a period of time not to exceed of fourteen (14) consecutive calendar days in connection with a fair, carnival, circus, public exhibition, or other event, where food is offered for sale at retail or wholesale prices.

TEMPORARY FOOD RAISING FOOD MARKET shall mean any food establishment operating at a fixed location for not more than one (1) day per month, where food intended for human consumption of the premises is offered for sale at retail or wholesale prices and a third party not-for-profit organization benefits financially as a result of that sale.

UTENSIL shall mean all containers or any equipment of any kind or nature, including but not necessarily limited to, any equipment used in the preparation of food, whether fixed or mobile, which may come into contact during storage, preparation, serving, or eating, or any other food or beverage vending machine, or equipment used for the cleaning of said containers or equipment.

VENDING OPERATOR shall include, but not necessarily be limited to any person who by contract, agreement, or otherwise, takes responsibility for furnishing, installing, preparing, operating, or maintaining one or more food or beverage vending machines.

Section 113.21 of Chapter 113 of the City of Fort Wayne, Indiana, Code of Ordinances shall be amended as follows:

SECTION 113.21 TERM

(E) The permit for a temporary food raising food market shall be for a term of one (1) year, beginning on the date of original issuance, and renewed annually on or before the fifteenth (15th) day of the month of October.

Section 113.26 of Chapter 113 of the City of Fort Wayne, Indiana, Code of Laws shall be amended as follows:

SECTION 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment, temporary food service establishments, temporary food markets, temporary food raising food market, and food processing establishment. Permit fees for food service establishment, temporary food service establishments, temporary food market, temporary food raising food market, and food processing establishment are as follows:

(1) 1 through 5 employees	\$130.00
(2) 6 through 9 employees	175.00
(3) 10 through 40 employees	205.00
(4) 41 employees and over	250.00
(5) Temporary food service establishments for each 48 hours of operation	20.00
(6) Temporary food market for each 48 hours of operation	20.00
(7) Temporary farmer's food market	30.00
(8) Temporary food raising food market	30.00

Section 113.70 of Chapter 113 of the City of Fort Wayne Code of Laws be amended as follows:

SECTION 113.70 Frequency of Inspection. Except as noted below, each food establishment for which a permit is required under the provisions of this Chapter shall be inspected at least once each six months, or more frequently if determined necessary by the Health Commissioner. A temporary Farmer's Food Market and Temporary Food Raising Food Market shall be inspected at least once each permit period.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and dual legal publication thereof.

Read the third time in full and on motion by Ravins, and duly adopted, passed on its passage PASSED by the following vote:

AYES Eight: Ravins, Council Member
Snyder, Gaudin, Henry, Long, Lunsay, Ravins, Schmidt, Talanico

NAYS None
ABSENTED None
ASSENT One
Edmonds

DATED 10-24-95 Sandra E. Kennedy, City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-25-95, on the 24th day of October, 1995

ATTEST: Don J. Schmidt, President
Sandra E. Kennedy, City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 1995, at the hour of 11:00 o'clock A.M.E.S.T.

Sandra E. Kennedy, City Clerk
Paul Heinke, Mayor

Approved and signed by me this 26th day of October, 1995, at the hour of 1:00 o'clock P.M.E.S.T.

Paul Heinke, Mayor
The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-25-95, passed by the Common Council on the 24th day of October, 1995, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of October, 1995, and now remains on file and on record in my office.

Witness my hand and the official seal of the City of Fort Wayne, Indiana, this 26th day of October, 1995.

SANDRA E. KENNEDY, CITY CLERK

10-31-11-71 (Part 2 of 2) #752

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN _____ County, Indiana

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

392 lines, 1 columns wide equals 392 equivalent lines
at .495 cents per line

\$ 194.04

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 195.04

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: NOV 7, 19 95

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

() ss:

Allen County

Personally appeared before me, a notary public in and for said county and state, the

undersigned **JULIE L ROHYANS** who being duly sworn says that he/

He is Clerk of the **The Journal-Gazette** newspaper of general

simulation printed and published in the English language in the United States.

Fort Wayne, IN

_____ in state and county aforesaid, and that the printed matter

Attached hereto is a true copy, which was duly published in said paper for

on 2 time _____, the dates of publication being as follows:

10-31/11-7-1995

Subscribed and sworn to before me this 7th day of NOV 1995

De
V
O
D
W
A

Mara L. Schneider
Notary Public

My commission expires: MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. JUNE 14, 1997